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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,863

11/26/2003

Jason P. Chalecki

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69316 7590 11/06/2007  
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EXAMINER

TRAN, QUOC A

ART UNIT

PAPER NUMBER

2176

MAIL DATE

DELIVERY MODE

11/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

CT

<b>Office Action Summary</b>	<b>Application No.</b> 10/723,863	<b>Applicant(s)</b> CHALECKI ET AL.	
	<b>Examiner</b> Tran A. Quoc	<b>Art Unit</b> 2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 18-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 1-14, and 18-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***DETAILED ACTION***

This action is responsive to RCE/Amendments, filed 09/26/2007.

Claims 15-17 are canceled. Claims 1, 7, 9-11, 13-14, 18, 20-21, 23, 25-27, 30-33, 35-37, 39-41, and 43-44 have been amended; claims 2-4, 6, 12, 19, 22, 24, 28-29, 34, 38, 42, and 45 original presented. Claims 5, and 8, previously presented.

***Response to Arguments***

Applicant's arguments filed 09/26/2007 have been fully considered and they are persuasive.

***Allowable Subject Matter***

Claims 1-14, and 18-45 would be allow upon Applicants response to the required under 37 CFR 1.105 to provide the information that the examiner has determined is reasonably necessary to the examination of this application to finalize the allowability subject matter (see IDS file 04/05/2006 the first NPL 04/05/2006), please see required under 37 CFR 1.105 below for details.

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114,

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and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 09/26/2007 has been entered.

***Requirement for Information, 37 CFR 1.105***

Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application (see IDS file 04/05/2006 the first NPL 04/05/2006).

In response to this requirement, please agree or disagree to the stipulation of each of the following assertions of facts:

**Stipulation 1:** More than one year before the present application was filed, at least some of the features of the claimed invention in the present application were disclosed in a beta release of one or more computer software products.

In further response to this requirement, if Applicant agrees with Stipulation 1, above, please provide answers to each of the following interrogatories eliciting factual information:

1. Identify specifically which features of the claimed invention were disclosed in the beta release or releases.

2. State specifically the dates of the beta release, including dates of each beta release, if more than one software program was released.

3. Identify any disclosure of any features of the claimed invention to anyone outside the assignee, Microsoft, prior to the starting date of the beta test or tests. For any such disclosure, state specifically the identity of the party or parties to whom the disclosure was made, and the date and circumstances under which the disclosure was made.

4. Identify specifically all computer software products in which the claimed invention is incorporated, identifying specifically each claimed feature that is incorporated into the product(s), and stating specifically the version of the product(s), and when each product was first made public, offered for sale, or made available as a beta release.

In further response to this requirement, please provide copies of each publication that was published more than one year before the filing date of the present application, which any of the applicants authored or co-authored and which describe the disclosed subject matter of the beta version(s) of Microsoft Office, which occurred in October 2002.

The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication

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responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained may be accepted as a complete reply to the requirement for that item.

This requirement is an attachment of the enclosed Office action. A complete reply to the enclosed Office action must include a complete reply to this requirement. The time period for reply to this requirement coincides with the time period for reply to the enclosed Office action.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tran A. Quoc whose telephone number is 571-272-8664. The examiner can normally be reached on 9AM - 5PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on 571-272-4137. The fax

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phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quoc A, Tran/  
Patent Examiner  
Art Unit 2176  
10/22/2007

*/Doug Hutton/*  
Doug Hutton  
Supervisory Primary Examiner  
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